

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9 Marie A Mdamu,

10 Plaintiff,

11 v.

12 American Traffic Solutions Incorporated,

13 Defendant.
14

No. CV-15-00326-PHX-DJH

ORDER

15 **IT IS ORDERED** that a motion pursuant to Fed. R. Civ. P. 12(b) is discouraged if
16 the defect can be cured by filing an amended pleading. Therefore, the parties must meet
17 and confer prior to the filing of a motion to dismiss to determine whether it can be
18 avoided. Consequently, motions to dismiss must be accompanied by a notice of
19 certification of conferral indicating that the parties have conferred to determine whether
20 an amendment could cure a deficient pleading, and have been unable to agree that the
21 pleading is curable by a permissible amendment. In addition, parties shall endeavor not
22 to oppose motions to amend that are filed prior to the Scheduling Conference or within
23 the time set forth in the Rule 16 Case Management Order. Motions to dismiss that do not
24 contain the required certification are subject to be stricken on the Court's motion.

25 ///


26 ///

27 ///

28 ///

1 **IT IS FURTHER ORDERED** that Plaintiff serve a copy of this Order upon
2 Defendant and file notice of service.

3 Dated this 24th day of February, 2015.

4
5
6 
7 Honorable Diane J. Humetewa
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28